REMARKS

Claims 1, 11, and 21 have been amended. Claims 1, 3-11, and 13-30 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Provisional Double Patenting Rejection:

The Office Action provisionally rejected claims 9, 10, 19, 20, 29 and 30 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 11, 20, 30, 47 and 56 of co-pending Application no. 10/670,849. Applicants note the provisional rejection and will address it when and if it should become non-provisional.

Section 112, Second Paragraph, Rejection:

The Office Action rejected claims 1, 11 and 21 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Specifically, the Examiner asserts that the limitation "a calendar application storing schedule . . . renders the claim[s] indefinite because it is unclear what this limitation pertains to." Office Action at 4. The Examiner further asserts that the final clause of claims 1, 11, and 21 is likewise indefinite for the same reason. *Id.* Applicant respectfully traverses these rejections for at least the following reasons.

First, Applicant notes that under M.P.E.P. 706.03(d), when making an indefiniteness rejection, the Examiner should supply one of several form paragraphs explaining the reasons why the claim is alleged to be indefinite. Further, "[i]f none of these form paragraphs are appropriate, a full explanation of the deficiency of the claims should be supplied. Whenever possible, identify the particular term(s) or limitation(s) which render the claim(s) indefinite and state why such term or limitation renders the claim indefinite. If the scope of the claimed subject matter can be determined by one

having ordinary skill in the art, a rejection using this form paragraph would not be appropriate." *Id.* Applicant notes that the bare assertion by the Examiner that "it is unclear what this limitation pertains to" does not amount to "a full explanation of the deficiency of the claims" as is required by the M.P.E.P.

As to the first portion of the indefiniteness rejection, Applicant notes that the portion of claim 1 quoted by the Examiner reads "a calendar application storing schedule information." (emphasis added) Applicant notes that although the disclosure of Doss et al. (U.S. Patent Application Publication No. 2008/0065461) (hereinafter Doss) differs substantially from other aspects of claim 1, Doss does state that "[p]rior art electronic calendars known to the inventors allow the calendar owner to specify a fixed set of working hours, such as 9 a.m. to 5 p.m. Monday through Friday." Doss at para. [0007]. Moreover, Doss shows a calendar system 400 in FIG. 4. Applicant further notes that Doss is a prior art reference relied upon by the Examiner, and therefore evidences what was known to one of ordinary skill in the art at the time of Doss's disclosure. Applicant therefore submits that by virtue of the disclosure of Doss, the meaning of "a calendar application storing schedule information" would have been clear to one of ordinary skill in the art prior to the filing of the instant application. As such, Applicant submits that the indefiniteness rejection is unsupported as to this claim feature.

As to the portion of the indefiniteness rejection directed to the final clause of claims 1, 11, and 21, while Applicant submits that the claim language is definite on its face, in order to expedite issuance of a patent, Applicant has nonetheless amended portions of the claim language to improve its clarity. Applicant submits that these amendments merely clarify and do not alter the scope of the claims.

Applicant submits that the rejections under 35 U.S.C. § 112, second paragraph, are either unsupported or have been overcome, and respectfully requests that the rejections be withdrawn.

Section 103(a) Rejection:

The Office Action rejected claims 1, 5-7, 9-12, 15-17, 19-22, 25-27, 29 and 30 as allegedly being unpatentable over McDowell et al. (U.S. Publication 2002/0035605) (hereinafter McDowell) in view of Knauerhase et al. (U.S. Publication 2003/0104819) (hereinafter Knauerhase) and in further view of Doss et al. (U.S. Publication 2008/0065461) (hereinafter Doss), claims 1, 4, 5, 7, 8, 11, 18, 21 and 28 as allegedly being unpatentable over Horvitz (PCT Application WO 01/69387) in view of Knauerhase, claims 3, 13 and 23 as allegedly being unpatentable over McDowell and Knauerhase in view of Heinonen et al. (U.S. Patent 6,785,530) (hereinafter "Heinonen"), and claims 4, 14 and 24 as allegedly being unpatentable over McDowell in view of Knauerhase and Coan et al. (U.S. Patent 7,120,424) (hereinafter "Coan"). Applicant respectfully traverses these rejections for at least the following reasons.

Applicant submits that the cited references, taken individually or in any combination, fail to teach or suggest all of the limitations of claim 1. Specifically, the cited references fail to teach or suggest a computer-implemented method in which (1) a calendar application stores schedule information corresponding to a given user, where for a particular time, the schedule information includes an activity status including a corresponding event title that is specifically descriptive of the given user's activity at the particular time; (2) determining, for the particular time, whether a current presence state associated with the given user and specific to an instant messenger client corresponds to the activity status indicated by the schedule information; (3) in response to determining that the current presence state specific to the instant messenger client does not correspond to the activity status indicated by said schedule information, automatically assigning and storing a different presence state in association with the given user without intervention by the given user, such that subsequent to automatically assigning the different presence state to the given user, the different presence state is indicated by the instant messenger client as the given user's current presence state; and (4) where the different presence state corresponds to the activity status indicated by the schedule information for the particular time, and the different presence state is indicative of at least a portion of the

corresponding event title included in the activity status, such that the different presence state indicated by the instant messenger client is descriptive of the given user's activity at the particular time according to the schedule information stored by the calendar application.

In rejecting claim 1 in view of McDowell, Knauerhase, and Doss, the Examiner acknowledges that McDowell and Knauerhase do not disclose schedule information including an activity status including a corresponding event title that is specifically descriptive of a given user's activity at a particular time, and wherein the different presence state that is assigned is indicative of at least a portion of the corresponding event title included in the activity status, and relies on Doss to disclose this feature. Office Action at 6.

The features of Doss cannot coherently be combined with those of the other references to arrive at the features of claim 1, because the functionality described by Doss has completely opposite causality to that required by claim 1. That is, according to claim 1, there is a particularly recited relationship between schedule information of a calendar application, where the schedule information includes an event title, and presence state of an instant messenger. Under this relationship, if a given user's current instant messenger presence state does not correspond with the activity status indicated in the schedule information, a different presence state is assigned that does correspond with the activity status. Further, the different presence state is indicative of at least a portion of the event title. A result of assigning the different presence state in the recited manner is that the different presence state indicated by the instant messenger client is descriptive of the given user's activity at the particular time according to the schedule information stored by the calendar application.

By contrast, Doss discloses the updating of calendar information in response to input from a "status-aware application" such as an instant messenger client. Doss at para. [0059]. That is, Doss does not disclose detecting a discrepancy between an instant messenger presence state and calendar state and responsively assigning different presence

state information that is indicative of the calendar state. Rather, Doss is directed to detecting a change in a user's current instant messenger state (e.g., from "Active" to "Away"), and responsively making changes to the user's calendar information. Thus, the behavior of Doss is entirely opposite that required by claim 1.

Moreover, Applicant notes that claim 1 requires some commonality of description between the newly assigned different presence state and the activity status in the schedule information. That is, claim 1 requires that the different presence state be indicative of at least a portion of the corresponding event title that is included in the calendar application's schedule information. Notwithstanding the fact noted above that in Doss, it is schedule information that is changed in response to instant messenger state information, no aspect of Doss suggests that there is any commonality in title between the instant messenger state operation and the calendar information, as is required by claim 1. In fact, Doss deliberately avoids describing any such commonality. In describing a particular example, Doss states that "[a] user's IM status is DND [do not disturb] and the user presses a 'Lunch' button for updating her calendar." Doss at para. [0074] (emphasis added). Here, Doss describes how the "Lunch" button may be used to determine the default duration of the period to be reflected on the user's calendar. *Id.* However, Doss does not describe that pressing the "Lunch" button in any way alters the user's instant messenger presence state, which remains DND. Thus, although Doss may make use of specifically descriptive information regarding the user's activity in order to update the user's calendar, Doss does not suggest that the instant messenger presence state is updated in any similar way to specifically describe the user's activity at that time.

Neither McDowell, Knauerhase, nor the remaining cited references remedy the omissions of Doss with respect to claim 1. Under a separate ground of rejection, the Examiner asserts that the combination of Horvitz and Knauerhase discloses all of the features of claim 1. However, it fails to do so. In particular, the Examiner asserts that p. 8, lines 16-21 disclose assigning a different presence state if a current presence state does not correspond to activity status indicated by a calendar application's schedule information. However, neither this section nor the remainder of Horvitz disclose this

feature. In the quoted section, Horvitz describes "employ[ing] a statistical model to determine the likelihood that a user is in a given state of attention by considering . . . the data in the user's calendar." But a user's "given state of attention" as described by Horvitz is a subjective mental state that is being statistically inferred in a probabilistic fashion. Given the context, Horvitz is not describing a presence state of an instant messenger, which is an objective feature that can be directly observed without uncertainty. That is, it would be nonsensical to interpret Horvitz's "given state of attention" as an instant messenger presence state, since there is no reason to probabilistically determine a state, such as presence state, that can be objectively determined with certainty.

Moreover, neither Horvitz nor Knauerhase disclose that the different presence state that is assigned corresponds to the activity status indicated by the schedule information for the particular time, and is indicative of at least a portion of the corresponding event title included in the activity status, such that the different presence state indicated by the instant messenger client is descriptive of the given user's activity at the particular time according to the schedule information stored by the calendar application, as required by claim 1. Applicant notes that in rejecting claim 1 under Horvitz in view of Knauerhase, the Office Action fails to address any aspect of the recited relationship between an event title included in schedule information and an instant messenger presence state that includes at least a portion of the event title. Applicant submits that this relationship finds no support in any of the cited references.

Similar arguments apply to independent claims 11 and 21, which recite features similar to those of independent claim 1. Applicants therefore submit that the rejections of the independent claims are unsupported. Applicants further note that the rejections of various ones of the dependent claims are further unsupported by the cited references. However, as the rejections of the independent claims have been shown to be unsupported, no further discussion of the dependent claims is necessary at this time.

CONCLUSION

Applicant submits the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-69800/RCK.

Respectfully submitted,

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